

**Remarks**

**Introduction**

This Reply is submitted in response to the outstanding Office Action of May 19, 2011. Claims 1-13 are currently pending and stand rejected. Claims 5, 8, 10 and 14 have been canceled without prejudice.

Claims 1, 4, 6, 7 and 11-13 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. 2004/0012496 (“De Souza”).

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over De Souza in view of U.S. Patent No. 5,874,724 (“Cato”).

Claims 3 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Souza in view of Cato and U.S. Patent Application Publication No. 2004/0233040 (“Lane”).

Applicants respectfully traverse the rejections of the claims in view of the above amendments and foregoing remarks. Applicants have amended independent Claims 1 and 11 to expedite allowance, but reserve the right to pursue the unamended, previously pending Claims 1 and 11 in one or more continuing applications. Applicants have also added new claims 15-24. The new claims and amendments to the previously pending claims add no new matter. Support for the amendments and new claims can be found in Applicants’ originally-filed specification at, for example, paragraphs [0020]-[0031].

**Response to the Rejections**

Claims 1, 4, 6, 7 and 11-13, including independent Claims 1 and 11, were rejected under 35 U.S.C. § 102(e) as being unpatentable over De Souza. Dependent Claims 2, 3 and 9 were rejected as being obvious in view of De Souza in combination with at least one additional document.

As amended, independent Claims 1 and 11 recite a RFID tag configured to communicate with an RFID tag reader within a communications range that is larger when a light sensitive component of the RFID tag detects light as compared to when the light sensitive component detects an absence of light, and wherein the RFID tag is configured to communicate information

regardless of whether the light sensitive component detects light. New independent method Claim 19 similarly recites, “in response to the RFID tag receiving the RF energy, communicating information between the RFID tag and a RFID tag reader, wherein communicating the information occurs within a communications range, the communications range is larger when a light sensitive component detects light as compared to when the light sensitive component detects an absence of light.”

De Souza is directed to a RFID tag “responsive to electromagnetic radiation of a predetermined frequency and for controlling cooperation between the RFID circuitry and the antenna when electromagnetic radiation of the predetermined frequency is detected.” De Souza, abstract. In particular, De Souza either enables or disables “cooperation between the RFID circuitry and the antenna” based on whether light of the predetermined frequency is detected. *Id.*

De Souza, however, fails to disclose or otherwise suggest communicating information regardless of whether the light sensitive component detects light. Furthermore, De Souza fails to disclose or otherwise suggest a RFID tag configured to communicate with an RFID tag reader within a communications range that is larger when a light sensitive component detects light as compared to when the light sensitive component detects an absence of light. Rather than enable different-sized communication ranges based on the presence or absence of light, De Souza takes an all or nothing approach to provide security and “to be able to differentiate signals received from a relatively large number of RFID tags which are located within the operating range of the RFID reader.” De Souza, para. [0004]. As such, De Souza is a binary system that either enables or disables the RFID tag from being read based on whether or not light is detected for the purpose of achieving very specific goals, and therefore teaches away from: a RFID tag configured to communicate with an RFID tag reader within a communications range that is larger when a light sensitive component detects light as compared to when the light sensitive component detects an absence of light, as recited by Applicants’ independent Claims 1, 11 and 19.

Likewise, the other documents taken alone or in any proper combination with De Souza also fail to show or otherwise suggest a RFID tag that has two different read ranges, namely a

large read range and a small read range, dependent on the presence or absence of light, as recited by Applicants' independent Claims 1, 11 and 19.

Therefore, Applicants respectfully submit that amended independent Claims 1, 11 and 19 are allowable over the cited documents. Likewise, Claims 2-4, 6, 7, 9, 12, 13, 15-18 and 20-24, which depend on one of Claims 1, 11 or 19, are also allowable over the cited documents.

Conclusion

In view of the remarks presented above, Applicants submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is believed that a two month extension of time and associated fees are required. The fee for the additional dependent claim is authorized to be charged to Deposit Account No. 16-0605. In the event that any additional petitions and/or other fees are required to allow consideration of this Reply, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any other fee required therefore (including fees for net addition of claims and/or an extension of time) is also hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON October 19, 2011.